



September 18, 2010

Ms. Mary Camacho  
Mr. Nasir Ahmadi  
Ms. Kerri Spano  
Applicant Review Panel  
c/o Bureau of State Audits  
555 Capitol Mall, Suite 300  
Sacramento, CA 95814

RE: Interview Process for Citizens Redistricting Commission

Dear Ms. Camacho, Mr. Ahmadi and Ms. Spano:

On behalf of the Asian Pacific American Legal Center (APALC), a member of Asian American Center for Advancing Justice, the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the Greenlining Institute, and the Central Coast Alliance United for a Sustainable Economy (CAUSE), we thank you for the opportunity to provide comments about the remaining applicants for the Citizens Redistricting Commission.

The purpose of this letter is not to provide comments about individual applicants, but instead to provide general comments about the interview process that the Applicant Review Panel (ARP) recently concluded and the ARP's consideration of information collected during interviews as it goes through the process of selecting 60 of the most qualified applicants.

Our organizations collectively observed over half of the interviews conducted by the ARP. Our comments below are based on these observations.

**1. Applicants should not be penalized for having received assistance with their application or interview.**

Having observed a number of interviews, we know that the ARP asked several applicants whether they received any assistance with their application or interview. While the purpose of asking this information is unclear to us, we believe that the ARP should not count against an applicant the fact that he or she received assistance from organizations that the State Auditor formed partnerships with for outreach purposes. The State Auditor listed a number of organizations as "outreach partners" at its [www.wedrawthelines.ca.gov](http://wedrawthelines.ca.gov) website (<http://wedrawthelines.ca.gov/partners.html>). Throughout the initial and supplemental application periods, the State Auditor publicized

workshops and other forms of application assistance provided by these organizations on the [www.wedrawthelines.ca.gov](http://www.wedrawthelines.ca.gov) website, and during the supplemental application period, sent emails directly to applicants to let them know about these assistance opportunities.

Applicants should not be penalized for taking advantage of these opportunities. Given the publicized partnership between these organizations and the State Auditor, applicants cannot have suspected that their use of assistance opportunities would be given consideration in any way during subsequent stages of the application process.

Additionally, we observed that the ARP asked only a handful of applicants about their receipt of application assistance. If the ARP took into consideration certain applicants' receipt of assistance when the ARP asked this question selectively to only a few applicants, this would raise questions about the overall fairness of the interview process.

**2. We reiterate the importance of the ARP looking carefully at applicants' understanding of how certain California population groups have lacked opportunities for effective electoral participation.**

Based on the interviews we observed, we know the ARP asked applicants certain questions to assess applicants' "appreciation for diverse demographics and geography." These questions were appropriate in order to obtain information about applicants' understanding of the benefits of ensuring effective political participation for California's underrepresented communities, and their understanding that diverse characteristics of individuals "may reflect their preferences concerning political representation" (see § 60805(a) of Voters First Act implementing regulations). Specifically, the ARP asked applicants about their understanding of "communities of interest" and the federal Voting Rights Act of 1965.

For the reasons stated in our August 5, 2010 letter, we support the ARP's decision to ask applicants these questions. However, we note that the ARP asked these questions only to certain applicants. We have concerns that the ARP did not obtain sufficient information about all applicants' understanding of the connection between redistricting and the political participation of underrepresented groups, which is a core aspect of how the State Auditor's regulations define "appreciation for diverse demographics and geography." We urge the ARP to use other opportunities available to examine applicants' understanding of the importance of effective participation by underrepresented groups in California's electoral process, such as re-reviewing applicants' essay questions and requesting additional information from applicants.

We also urge the ARP to go beyond just an assessment of applicants' understanding of the Voting Rights Act and to look more closely at their commitment to securing compliance with the Voting Rights Act. While a commitment to following the requirements of the Voting Rights Act is not in and of itself one of the three required criteria under the Voters First Act, the commissioners will need to be fully committed to the Voting Rights Act's mandate to safeguard the rights of underrepresented communities

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in order to properly determine whether California's maps comply with the Voting Rights Act. We again urge the ARP to use other opportunities available to obtain information in this regard such as re-reviewing essay answers and seeking additional information from applicants.

Thank you for the opportunity to share our comments.

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